

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

TRE MANAGEMENT COMPANY

PLAINTIFF

VS.

CASE NO. 05-6089

GEORGIA-PACIFIC CORPORATION,
MILWHITE, INC., M-I, LLC

DEFENDANTS

ORDER

On this 14th day of August, 2006, there comes on for consideration, the Motion to Dismiss, or in the alternative, to Transfer (Doc. 6) filed by Separate Defendant Georgia-Pacific Corporation. Georgia-Pacific requests that this action be dismissed due to litigation currently pending in the Southern District of Texas, *Halliburton Energy Services, Inc., et al v. NL Industries, et al.*, Civil Action No. H-05-4160 involving the same parties and issues. Alternatively, Georgia-Pacific requests that the Court transfer this action to the Southern District of Texas to be consolidated with the Texas case. Plaintiff opposes the motion contending the Texas court does not have venue over it and that Plaintiff filed a motion to dismiss in the Texas case that is pending.

On July 25, 2006, the Honorable Lee H. Rosenthal, United States District Judge for the Southern District of Texas, Houston Division, found that venue was proper and denied Plaintiff's motion to dismiss in the Texas case. (Case No. H-05-4160, Doc. 61). Accordingly, the Court finds that Georgia-Pacific's motion should

be GRANTED and this case is transferred to the United States District Court for the Southern District of Texas, Houston Division to be consolidated with *Halliburton Energy Services, Inc., et al v. NL Industries, et al.*, Civil Action No. H-05-4160. The parties are advised that the pending Motion to Strike filed by Georgia-Pacific should be addressed after this case is transferred and consolidated.

IT IS SO ORDERED.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge